

REMARKS

This communication is in response to the Office Action mailed March 29, 2007 and is submitted with an RCE Request. This response further follows the telephone interview of July 5, 2007 with Examiner Redmond and David Bohn of Westman, Champlin & Kelly. The undersigned respectfully thanks Examiner Redmond for his time and consideration in the interview.

Referring first to the interview, the undersigned and Mr. Bohn provided propose claims. The question of support in the Specification for the proposed plans was first discussed. The Examiner's attention was directed to page 17 of the Specification and it was agreed that the claims are, in fact, supported by the Specification. Next, new Figs. 2b and 2c were presented for entry into the application. It was agreed that these figures could be added because they improved clarity, but do not introduce new matter. Finally, as stated in the Interview Summary mailed July 16, 2007, it was agreed that the proposed amendments to the independent claims would read over the art of record, but a further search would be required.

Referring now to the Office Action, claims 1-7, 11-17, 21, 22, 24-29, 32, 33 and 36 were rejected as being anticipated by Hasler et al. (U.S. Patent 4,240,227), hereinafter, "AUDI". Briefly, an aspect of the invention concerns a new motor vehicle door with a sliding panel moving along a primarily vertical direction. More precisely, the claimed aspect equips the door with struts bearing tracks allowing the sliding panel to slightly move away from the watertight joint during opening, features of which are recited in claims 1, 22 and 33. To this aim, the tracks allow the sliding panel:

- to slightly move towards the outside of the vehicle in a sliding position in that the sliding panel slides separated from the watertight joint so it does not lean against the watering joint so as to slide without

- damaging the watertight joint; and
- to slightly move in a sealing position in that it presses against the watertight joint.

As indicated above, Applicant submits additional Figs. 2b and 2c to illustrate the sliding position, while original drawings 2 and 2a illustrate the sealing position.

With respect to AUDI, this reference discloses a motor vehicle door comprising a sliding side window. The door comprises a frame made of shanks that bears seals and along which the side window can slide. The upper part of the side window comprises a detent that cooperates with a horizontal tube located in the upper part of the frame so that, when the side window is closed, it cannot move away from the seal.

As a matter of fact, AUDI discloses a door of a motor vehicle comprising a body shell and at least one movable glass panel arranged to slide at least partially on the inside the shell between a sealing position and at least one open position, comprising at least one strut bearing a watertight joint against which an inside of the movable glass panel leans in the sealing position.

Considering figure 7 of AUDI, which illustrates an upper part of a vehicle door, it is indicated that the sliding panel presses and seals in a closed position and can slide from this position to a fully opened position without damaging the seals along the periphery of the opening. It is true that the sliding plane does not lean against the seal 107 which is fixed on the upper strut 55 (see figure 4) when it slides from a closed position to an opened position. However, this is insufficient to call into question the novelty or obvious of claim 1 of the claimed invention. Contrary to claim 1, AUDI does not teach or suggest any track that allows the sliding panel:

- to slightly move towards the outside of the vehicle in a sliding position in that the sliding panel slide is separated from the watertight joint so it does not lean against the watering joint so as to slide without damaging the watertight joint bear by lateral struts; and
- to slightly move the sliding panel in a sealing position in that it presses against the watertight joint.

Consequently, and on the contrary, the sliding panel of AUDI always presses on the joints by the lateral struts 19 and 17 during its displacement. In other words, AUDI corresponds to the preamble of claim 1 as amended, but does not disclose nor suggest the new features discussed hereinabove, which was acknowledged by the Examiner during the telephone interview as being patentable over the cited art.

The Office Action further cites U.S. Patent (6,141,910), hereinafter "DURA" and U.S. Patent 6,425,208 hereinafter "DAIMLER-CHRYSLER". It is believed neither of these references teach or suggest the features now recited in the independent claims. DURA discloses a device to motorize a side window of a motor vehicle door. This door comprises doorframes along which a windowpane can slide. Means comprising cables, pulleys and a motor allow moving up and down of the windowpane. DAIMLER-CHRYSLER concerns a convertible vehicle door without strut. For the reasons discussed above, neither teach or suggest a door comprising at least one track allowing the sliding panel:

- to slightly move towards the outside of the vehicle in a sliding position in that the sliding panel slide is separated from the watertight joint so it does not lean against the watering joint so as to slide without damaging the watertight joint

bear by lateral struts;

- to slightly move in a sealing position in that it press against the watertight joint.

In view of the foregoing it is respectfully submitted that each of the independent claims are allowable.

Dependent claims 2-21, 23-32 and 35-36 each depend directly or indirectly from claims 1, 22 or 33. When the features of each of these claims are combined with the features recited in their corresponding independent claim, and any intervening claims, it is believed each dependent claim is separately patentable.

The foregoing remarks are intended to assist the Office in examining the application and in the course of explanation may employ shortened or more specific or variant descriptions of some of the claim language. Such descriptions are not intended to limit the scope of the claims; the actual claim language should be considered in each case. Furthermore, the remarks are not to be considered exhaustive of the facets of the invention which are rendered patentable, being only examples of certain advantageous features and differences, which applicant's attorney chooses to mention at this time. For the foregoing reasons, applicant reserves the right to submit additional evidence showing the distinction between applicant's invention to be unobvious in view of the prior art.

Furthermore, in commenting on the references and in order to facilitate a better understanding of the differences that are expressed in the claims, certain details of distinction between the same and the present invention have been mentioned, even though such differences do not appear in all of the claims. It is not intended by mentioning any such unclaimed distinctions to create any implied limitations in the claims.

For the foregoing reasons, Applicant submits that the present application is in allowable form. Allowance of the present application is respectfully requested.

An extension of time is hereby requested for responding to the Office Action. An online charge authorization for the extension of time fee is included herewith.

The Director is authorized to charge any fee deficiency required by this paper or credit any overpayment to Deposit Account No. 23-1123.

Respectfully submitted,

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